



UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

MICHAEL A. HARRIS, ) Case No. CV 08-4381-RSWL(RC)  
 )  
Petitioner, )  
 )  
vs. ) ORDER TRANSFERRING ACTION TO  
 ) SOUTHERN DISTRICT OF CALIFORNIA  
LARRY A. SMALL, WARDEN, )  
 )  
Respondent. )  
\_\_\_\_\_ )

On July 2, 2008, petitioner Michael A. Harris, a state inmate proceeding pro se, filed a petition for writ of habeas corpus under 28 U.S.C. § 2254 challenging his conviction and sentence in San Diego County Superior Court case no. SCD182007. Petition at 2. The petitioner currently is confined in Calipatria State Prison in Calipatria, California, which is in the Southern District of California.

**DISCUSSION**

Federal district courts are limited to granting habeas relief "within their respective jurisdictions." 28 U.S.C. § 2241(a). Section 2241(d) of Title 28, United States Code, provides that a

1 habeas corpus petition "by a person in custody under the judgment and  
2 sentence of a State court of a State which contains two or more  
3 Federal judicial districts . . . may be filed in the district court  
4 for the district wherein such person is in custody or in the district  
5 court for the district within which the State court was held which  
6 convicted and sentenced him and each of such districts shall have  
7 concurrent jurisdiction to entertain the application." Here, there is  
8 no jurisdiction in this district court to entertain petitioner's  
9 habeas corpus petition under Section 2254 because petitioner is not in  
10 custody in this judicial district nor was petitioner convicted in a  
11 state court in this judicial district.  
12

13 Generally, it is the practice to hear habeas corpus actions  
14 challenging state convictions or sentences in the judicial district in  
15 which the inmate was convicted and sentenced. Braden v. 30th Judicial  
16 Circuit Court, 410 U.S. 484, 497 & n.13, 93 S. Ct. 1123, 1131 & n.13,  
17 35 L. Ed. 2d 443 (1973); Dannenberg v. Ingle, 831 F. Supp. 767, 767  
18 (N.D. Cal. 1993); Laue v. Nelson, 279 F. Supp. 265, 266 (N.D. Cal.  
19 1968). Here, petitioner was convicted and sentenced in San Diego  
20 County, which is in the Southern District of California. When a  
21 habeas corpus petition is filed in a district court lacking  
22 jurisdiction, that Court may exercise its discretion and transfer the  
23 action in the furtherance of justice. Bell v. Watkins, 692 F.2d 999,  
24 1013 (5th Cir. 1982), cert. denied, 464 U.S. 843 (1983). Thus, this  
25 Court will transfer this action to the United States District Court  
26 for the Southern District of California.  
27

28 **IT IS ORDERED** that the Clerk of this Court transfer this matter

1 to the United States District Court for the Southern District of  
2 California.

3  
4 **IT IS FURTHER ORDERED** that the Clerk of this Court serve a copy  
5 of this Order upon petitioner and upon the California Attorney  
6 General.

7  
8 DATE: July 9, 2008

**RONALD S.W. LEW**

\_\_\_\_\_  
RONALD S.W. LEW  
SENIOR UNITED STATES DISTRICT JUDGE

9  
10 PRESENTED BY:

11 DATE: July 8, 2008

12 Rosalyn M. Chapman  
13 ROSALYN M. CHAPMAN  
UNITED STATES MAGISTRATE JUDGE

14 CASE084\08-4381.1  
15 7/8/08  
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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
WESTERN DIVISION  
312 North Spring Street, Room G-8  
Los Angeles, CA 90012  
Tel: (213) 894-3535

SOUTHERN DIVISION  
411 West Fourth Street, Suite 1053  
Santa Ana, CA 92701-4516  
(714) 338-4750

EASTERN DIVISION  
3470 Twelfth Street, Room 134  
Riverside, CA 92501  
(951) 328-4450

**SHERRI R. CARTER**  
District Court Executive and  
Clerk of Court

**To:** Clerk, United States District Court  
Southern District of California  
880 Front Street, Room 4290  
San Diego, CA 92101-8900

**Re:** Transfer of our Civil Case No. CV 08-04381-RSWL (RC)  
Case Title: Michael Anthony Harris v. Larry A. Small

Dear Sir/Madam:

**An order having been made transferring the above-numbered case to your district, we are transmitting herewith our file:**

- ☐ Original case file documents are enclosed in paper format.  
☒ Electronic Documents are accessible through Pacer.  
☐ Other: \_\_\_\_\_

Very truly yours,

Clerk, U.S. District Court

Date: July 9, 2008

By Patricia Clarke  
Deputy Clerk

*Patricia Clarke*  
(213) 894-4583

cc: *All counsel of record*

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**TO BE COMPLETED BY RECEIVING DISTRICT**

**Please acknowledge receipt via e-mail to appropriate address listed below and provide the case number assigned in your district:**

- ☐ CivilIntakecourtdocs-LA@cacd.uscourts.gov (Los Angeles Office)  
☐ CivilIntakecourtdocs-RS@cacd.uscourts.gov (Riverside Office)  
☐ CivilIntakecourtdocs-SA@cacd.uscourts.gov (Santa Ana Office)

Case Number: \_\_\_\_\_

Clerk, U.S. District Court

Date: \_\_\_\_\_

By \_\_\_\_\_  
Deputy Clerk